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*Representing the United States of America*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

MARIO CASTRO,  
JOSE SALUD CASTRO,  
SALVADOR CASTRO,  
MIGUEL CASTRO  
JOSE LUIS MENDEZ, AND  
ANDREA BURROW,

Defendants.

Case No.: 2:19-cr-00295-GMN-NJK

**UNITED STATES' MOTION FOR  
ALTERNATIVE VICTIM  
NOTIFICATION PROCEDURES**

1 The United States moves this Court pursuant to Title 18, United States Code,  
2 Section 3771(d)(2), for authorization to employ the victim notification procedures  
3 described below, in lieu of those prescribed by section 3771(a), (b) and (c), on the grounds  
4 that the number of crime victims in this case makes it impracticable to accord all of the  
5 crime victims the rights described in subsection 3771(a).

6 The Crime Victims' Rights Act ("the Act") provides certain rights to victims in  
7 federal criminal proceedings. 18 U.S.C. § 3771. Among the rights provided by the Act are a  
8 victim's right to "reasonable, accurate, and timely notice" of public court proceedings. *See*  
9 18 U.S.C. § 3771(a). The Act requires "[o]fficers and employees of the Department of  
10 Justice and other departments and agencies of the United States engaged in the detection,  
11 investigation and prosecution of crime make their best efforts to see that crime victims are  
12 notified of, and accorded, the rights described in subsection [3771](a)," 18 U.S.C. §  
13 3771(c)(1), and it instructs the Court to "ensure that the crime victim is afforded" those  
14 rights. 18 U.S.C. § 3771(b). The Act defines a crime victim as "a person directly and  
15 proximately harmed" as a result of the commission of a federal offense. *Id.* § 3771(e).  
16 Importantly, the Act recognizes that for crimes involving numerous victims, the Court has  
17 discretion to adopt procedures that will not unduly interfere with the criminal proceedings.  
18 Thus, 18 U.S.C. §3771(d)(2) provides:

19 [i]n a case where the court finds that the number of crime victims  
20 makes it impracticable to accord all of the crime victims the rights  
21 described in subsection (a), the court shall fashion a reasonable  
22 procedure to give effect to this chapter that does not unduly  
23 complicate or prolong the proceedings.

1 The Act places no limitations on the alternative procedures which a Court may  
2 fashion other than that the procedures be reasonable to effectuate the Act and that they not  
3 unduly complicate or prolong the proceedings. *Id.*

4 In this case, the defendants are charged with mail fraud and conspiracy to commit  
5 mail fraud for engaging in a direct-mail scheme that sent fraudulent prize notices to  
6 hundreds of thousands of consumers across the United States. The mailings misled victims  
7 to believe that they would receive a large cash prize, ranging from hundreds of thousands  
8 to several million dollars, if they paid a relatively small fee. The victims did not receive the  
9 promised large sums of money. The government determined there are hundreds of  
10 thousands of potential victims who paid a fee, generally \$20 or \$25 as directed by the  
11 fraudulent mailings.

12 This number of victims make compliance with the notification requirements  
13 outlined in section 3771(a), (b) and (c) impracticable, as this Court has recognized in two  
14 related cases involving defendants from the same conspiracy. *United States v. Edgar Del Rio*,  
15 Case No. 2:19-cr-00022-JCM, ECF No. 11 (granting motion for alternative victim  
16 notification); *Patti Kern*, Case No. 2:19-cr-00032-RFB, ECF No. 23 (same). Neither the  
17 government nor the Court has the resources to accord all of the victims in this case the  
18 notice required by subsection 3771(a). Therefore, due to the large number of victims in this  
19 case, the government has used the Justice Department's website for large cases,  
20 <http://justice.gov/largecases/>, to direct victims to a case-specific website where all  
21 required notices will be posted. Notice by website postings is a reasonable procedure that  
22 will give effect to the Act and will not unduly complicate or prolong the public court  
23 proceedings. Accordingly, consistent with the orders in the related *Del Rio* and *Kern* cases,

1 the government requests that the Court authorize the alternative notification procedures  
2 described above.

3 **CONCLUSION**

4 Based on the foregoing, the government requests the Court grant the motion for  
5 alternative victim notification procedures.

6 DATED: this 6th day of July, 2020.

7 NICHOLAS A. TRUTANICH  
United States Attorney

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9 Nicholas D. Dickinson  
Assistant United States Attorney

10  
11 /s/ Timothy Finley  
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Daniel Zytneck, Trial Attorney  
Consumer Protection Branch  
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1 UNITED STATES DISTRICT COURT  
2 DISTRICT OF NEVADA

3 UNITED STATES OF AMERICA,

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6 MARIO CASTRO,  
7 JOSE SALUD CASTRO,  
8 SALVADOR CASTRO,  
9 MIGUEL CASTRO  
10 JOSE LUIS MENDEZ, AND  
11 ANDREA BURROW,

12 Defendant.

Case No.: 2:19-cr-00295-GMN-NJK

**ORDER AUTHORIZING  
ALTERNATIVE VICTIM  
NOTIFICATION PROCEDURES**

13 This matter comes before the Court on the United States' Motion for Alternative  
14 Victim Notification Procedures. The Court finds that (1) per 18 U.S.C. 3771(d)(2), the  
15 number of potential victims in this case makes it impracticable to provide all the rights  
16 provided under 18 U.S.C. 3771(a) and (2) the means of notifying potential victims as set forth  
17 constitutes a "reasonable procedure" to give effect to and ensure compliance with the notice  
18 provisions of the Act.

19 IT IS THEREFORE ORDERED, pursuant to 18 U.S.C. 3771(d)(2), that the United  
20 States is authorized to comply with 18 U.S.C. 3771(a) by posting information relevant to  
21 victims in this case on the Justice Department's website for large cases.

22 IT IS SO ORDERED that the Government's Motion for Alternative Victim  
23 Notification Procedures, (ECF No. 116), is **GRANTED**.

Dated this 6 day of July, 2020.